

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
Pacific District Lessee Corporation)	
t/a Eaton DC)	
)	
Holder of a)	License No.: ABRA-095442
Retailer's Class CH License)	Order No.: 2022-842
)	
at premises)	
1201 K Street, NW)	
Washington, D.C. 20005)	

Pacific District Lessee Corporation, t/a Eaton DC, Licensee

John Guggenmos, Commissioner, Advisory Neighborhood Commission (ANC) 2F

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON FIRST AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Pacific District Lessee Corporation, t/a Eaton DC (Licensee), and ANC 2F entered into a Settlement Agreement (Agreement), dated September 4, 2019, that governs the operations of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Settlement Agreement (Amendment), dated September 30, 2022, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner John Guggenmos, on behalf of ANC 2F, are signatories to the Amendment.

Accordingly, it is this 2nd day of November 2022, **ORDERED** that:

1. The above-referenced First Amendment to Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Settlement Agreement not amended by the First Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: 34E326492648F9E4B73000414104F

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547a373f2026e1e5d110026284e5

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fca2f8e14647f4b75d7917d205

Bobby Cato, Member

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f200944181350d102481E

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5b27b8a7f8f0c40ec14adeb52541ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879- 1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

**FIRST AMENDMENT TO SETTLEMENT AGREEMENT BETWEEN
PACIFIC DISTRICT LESSEE CORPORATION AND ADVISORY NEIGHBORHOOD COMMISSION 2F**

THIS AMENDMENT #1 to the SETTLEMENT AGREEMENT (“Agreement”) is made on this 30th day of September 2022 by and between Pacific District Lessee Corporation (“Licensee” or “Applicant”) and Advisory Neighborhood Commission 2F (“the ANC”) (collectively, the “Parties”). This amendment updates the Settlement Agreement dated September 4, 2019 and approved by ABC Board Order No. 2019-646 dated September 18, 2019.

R E C I T A L S

WHEREAS, the Parties entered into a Settlement Agreement dated September 4, 2019 for Licensee’s Retailer’s Class C Hotel ABC License, ABRA-095442, which has Cover Charge, Dancing, Entertainment, and Holiday Extension Endorsements (the “License”) for operations of a hotel at 1201 K Street, NW (“Establishment”);

WHEREAS, there exists a separate Retailer’s Class C Restaurant ABC License (ABRA-119524) jointly held by other licensees at the Establishment the licensed premises for which include certain food and beverage outlets on the ground and 10th floors;

WHEREAS, Licensee now desires to expanded its licensed premises at the Establishment to encompass certain areas therein which were initially included under the aforementioned Restaurant ABC License and which will require modifications to the Agreement prior to ABC Board approval thereof;

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Recital (a)** is stricken entirely and replaced with the following: “WHEREAS, Applicant holds a Retailer’s Class C Hotel ABC license, ABRA-095442 (“License”), at 1201 K Street, NW, Washington, DC (“Premises”) with the following hours:
 - *Hours of Operation:* 24 hours daily;
 - *Hours of Sales, Service, and Consumption of Alcoholic Beverages:*
 - Sunday through Thursday: 8:00am - 2:00am; and
 - Friday & Saturday: 8:00am - 3:00am;”
3. **Paragraph 2, “Nature of the Business,”** is stricken entirely and replaced with the following: “Applicant manages and operates the guestrooms and in-room dining associated therewith; banquet rooms; conference rooms; event spaces, including those on the second floor; co-working spaces; ground floor bar and lounge area; and 10th floor food and beverage outlet (including its Summer Garden) of the Eaton DC Premises. Any change from this model may prior approval by the ABC Board. Applicant does not have a sidewalk cafe endorsement. Parties acknowledge that ground floor restaurant and cafe are operated by and licensed under a separate Retailer’s Class C Restaurant ABC license.”

4. **Paragraph 3**, “Hours of Entertainment, Dancing, and Cover Charge Endorsements,” first sentence (part (a)), shall be stricken entirely and replaced with:
“a. Applicant’s hours of Entertainment, Dancing, and Cover Charge Endorsements will not exceed the following:
 - i. Sunday through Thursday: 8:00am - 2:00am; and
 - ii. Friday & Saturday: 8:00am - 3:00am;”
5. **A new Paragraph 14** is added to the Agreement and reads: “Tenth Floor Summer Garden. The Applicant may have outside seating in accordance with a Summer Garden endorsement on its ABC license; patrons may be served in the Summer Garden area only during the following hours and shall otherwise be free of patrons: 8:00am-1:00am dally. Applicant will inspect the Summer Garden regularly for compliance.”
6. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.
7. **No Protest & Agreement Replacement.** Upon execution of this First Amendment by the Parties and its acceptance by the ABC Board, and in reliance thereupon, the ANC shall refrain from filing a protest of the Licensee’s forthcoming applications expand its premises to include the ground floor bar and lounge and the 10th floor food and beverage outlet, the addition of a Summer Garden Endorsement, and the modifications to its Hours of Sales, Service & Consumption of Alcoholic Beverages, and Entertainment which conform with the Amended Agreement.

ADVISORY NEIGHBORHOOD COMMISSION 2F

By:  _____ Date: 09/30/2022
John Guggenmos, Chairperson

PACIFIC DISTRICT LESSEE CORPORATION

DocuSigned by:

By: _____ Date: 9/30/2022
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Karen Thomas, Vice President